



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



March 13, 2019

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT REPORT BACK ON IMMIGRATION RELEASES AT THE INMATE RECEPTION CENTER

Shortly after being sworn in as the new Sheriff of Los Angeles County, I announced that Immigration and Customs Enforcement (ICE) agents would soon be prohibited from entering all Los Angeles County Sheriff's Department (Department) facilities for civil immigration enforcement. This new policy, which went into effect on February 1, 2019, is a critical first step in reestablishing community trust. This policy shift clearly delineates the mission of the Department to protect all County residents even if they are undocumented immigrants. Witnesses and victims should not be afraid to report crime because they fear deportation. We have a responsibility to respect due process rights for all and to protect our neighbors. Undocumented immigrants are entitled to feel safe in the community --- in schools, hospitals, courthouses, libraries, and even jails.

On December 18, 2018, your Board requested the Department report back on the status of its implementation plan for this new direction. Additionally, your Board requested the Department to review the potential consequences of removing public access to the "Pending Release" list and the "Inmate Release" list which are currently accessible on the Department website (www.lasd.org).

Department staff have worked energetically to implement the necessary plans. They have received useful information from a variety of stakeholders, including many community advocacy groups, the Office of Inspector General, Office of the County Counsel, Office of Immigrant Affairs, Offices of the Public and Alternate Defender, and the District Attorney's Office. This report back addresses three issues pertaining to this

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new direction: 1) The Department's ongoing transfer of undocumented immigrants who have been convicted of serious and violent crimes; 2) The decision to reduce the list of eligible crimes and limit the span of years for qualifying misdemeanor offenses; and 3) Public access to the "Pending Release" list and the "Inmate Release" list on the Department's website.

The Department's Ongoing Transfer of Undocumented Immigrants Convicted of Serious and Violent Crimes

The first step in implementing this new policy was to complete a thorough review of the Department's immigration policies and procedures. The Department maintains a robust and thorough process for updating and revising its policies. Numerous changes have been suggested to the Custody Division Manual and are being carefully considered. Meanwhile, the Department has created several new directives for the unique operations at the Inmate Reception Center ("IRC") as well as other field and custody operations. These temporary directives act as placeholders until formal policies are fully vetted and approved.

The Department previously allowed ICE to physically embed its agents at the IRC. This gave those agents access to inmates who were in the midst of the release process, which helped them with their investigations. Allowing ICE agents to be physically present in the IRC also created a potentially intimidating environment for inmates being released. Inmates could see ICE emblems and identification worn by ICE agents, and this may have resulted in fear for those concerned about their immigration status. This sent a strong message that the Department was entangled in the civil immigration deportation process.

Pursuant to these placeholder directives, ICE agents may no longer conduct civil immigration investigations regarding an inmate's legal status in our jails, or interview inmates in Department facilities. The Department has revised its notification form to remove reference to ICE interviews. Inmates being released will no longer see ICE's intimidating emblems that contribute to a sense of distrust.

Because they are no longer at the jail, it is now more difficult for ICE to identify inmates whom they wish to detain as it limits their ability to conduct impromptu inquiries. We believe this may significantly reduce the number of qualified inmates transferred to ICE over time, though recently, the number of ICE detainers being electronically submitted to the Department have increased.

To achieve a transfer of a qualified inmate, ICE must now solely rely on its contract with private transportation companies who actually work for multiple federal agencies. These transportation officers do wear uniforms, but the emblems they wear are from private security company which employs them. Contracted transportation personnel

have no peace officer powers (federal or state), and they are not authorized to conduct investigations of any type. There is no indication on their uniforms that they are contracted by ICE. Their only purpose is to accept the physical transfer of an inmate from the Department to a federal agency.

The Department considered several potential options for where transfers could take place and decided they should happen at "custody line" within the IRC. This is the same location where all outside agencies are required to go to take custody of inmates. The contracted transportation personnel must follow the same procedures as outside law enforcement officers, including collecting the inmate's personal property before accepting the transfer. Permitting the transfers in this location prevents Department personnel from taking additional steps that would be required should the transfers happen anywhere else. It also resolves concerns about illegally delaying the release process and the disposition of money and other personal property collected at the time of an inmate's initial arrest.

The Decision to Reduce the List of Eligible Crimes and Limit the Span of Years for Qualifying Misdemeanor Convictions

The California Values Act ("Values Act") gives local law enforcement agencies the discretion to transfer people to ICE who were previously convicted of certain crimes, including numerous misdemeanors. Some have counted as many as 800 different offenses listed in the Values Act. These crimes include sexual abuse and exploitation, crimes endangering children, robbery, felony DUI, unlawful possession or use of a weapon, illegally possessing a firearm, explosive device or weapon of mass destruction, felony possession of narcotics, crimes resulting in death or great bodily injury, false imprisonment, slavery, human trafficking, hate crimes, torture, mayhem, stalking, elder abuse, kidnapping, and violating sex and arson registration requirements. The Values Act was clearly not designed to shield violent and dangerous criminals from deportation. Those that victimize our communities should not be given unnecessary opportunities to do harm again, but the non-violent and non-dangerous need not necessarily be deported.

The Department maintains three lists of qualifying offenses: 1) Serious and Violent crimes; 2) Felonies; and 3) Misdemeanors. The Misdemeanor list previously had 151 different offenses on it. After a careful review with a practiced eye by those with decades of law enforcement experience, the Department has now reduced this number to 101 misdemeanor offenses. The remaining misdemeanors are crimes against persons or weapons violations which directly relate to public safety. Most of those crimes removed were property crimes or minor criminal acts. Granted, the Department has not previously transferred to ICE numerous individuals convicted of misdemeanors

that are no longer on the list, but 20 individuals who were transferred before this change went into effect would not be transferred today.

The Values Act gives the discretion to transfer an individual to ICE who has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony. The Department has reduced this span to three years. Someone who committed a qualifying misdemeanor crime, but who has stayed out of trouble for more than three years is not likely to reoffend. Productive, law-abiding members of our community deserve a chance to remain in this country and become United States citizens should Congress ever pass comprehensive immigration reform.

Public Access to the “Pending Release” List and the “Inmate Release” List on the Department Website

In response to your inquiry regarding the potential consequences of removing public access to the “Pending Release” list and the “Inmate Release” list from the Department website, we consulted with various community groups and also with the District Attorney’s Office. The Director of the District Attorney’s Bureau of Victim Services provided us with the following statement:

“Victims of crime, their families, survivors, and those assisting such victims, especially victims of domestic violence, and sexual and other assaults, rely on tools such as information on Inmate Releases and Pending Releases, in addition to VINE, to assist victims in their safety assessment and planning. The District Attorney’s Office supports the Sheriff’s continuing efforts in this area.”

In addition to protecting vulnerable victims of crime, public access to this information is an important tool for families who have numerous reasons why they need to know the specific time their loved one will be released. For example, public access is a “real time” resource for family members of inmates who may have mental or physical limitations and require coordinated transportation upon their release. The Department will maintain public access to this information on the Department’s website.

We look forward to working with your Board on our mutual efforts to best serve the residents of Los Angeles County.

The Honorable Board of Supervisors

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March 13, 2019

Should you have any questions, please contact Assistant Sheriff Robert Olmsted at (213) 893-5001.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Villanueva". The signature is fluid and cursive, with the first name "Alex" and last name "Villanueva" clearly distinguishable.

ALEX VILLANUEVA
SHERIFF